

## SECOND AMENDED

**APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED**Date of filing in State Engineer's Office JUL 17 2003Returned to applicant for correction JUL 31 2003Corrected application filed SEP 05 2003Map filed SEP 05 2003

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The applicant **Philip J. Schulz** hereby makes application for permission to change the **Point of Diversion, Manner of Use and Place of Use** for a portion of water heretofore appropriated under Permit 66445

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1. The source of water is an **underground source** in **Nye County, Nv**
2. The amount of water to be changed **0.1062 CFS., not to exceed 25.5 AFA.**
3. The water to be used for **Commercial Nursery and Domestic Use**
4. The water heretofore permitted for **Irrigation and Domestic**
5. The water is to be diverted at the following point **within the NE.¼ SW.¼ of Section 7, T.16S., R.48E., M.D.M., or at a point from which the SW. corner of said Section 7 bears S. 47°41'21" W., a distance of 2129 feet**
6. The existing permitted point of diversion is located within the **SE.¼ NE.¼ of Section 16, T.16S., R.48E., M.D.M., or at a point from which the E. ¼ corner of said Section 16 bears S. 17°46'22" E., a distance of 1291 feet**
7. Proposed place of use **9.72 acres within Parcel 3 on map F. 214165, APN. 19-041-55 9.72 acres within Parcel 4 on map F. 214165, APN. 19-041-56 19.44 acres total, all in NE.¼ SW.¼, Sec. 7, T16S., R.48E., M.D.M.**
8. Existing place of use **5.1 acres within Parcel 2 of Map File 515359, APN.19-741-03, being within SE.¼ NE.¼ of Sec. 16, T.16S., R.48E., M.D.M.**
9. Use will be from **January 1 to December 31** of each year.
10. Use was permitted from **January 1 to December 31** of each year.
11. Description of proposed works an **8 in. dia. X approximately 200 ft deep driven well with a 3 hp. submersible pump**
12. Estimated cost of works **\$6000**
13. Estimated time required to construct works **2 years**
14. Estimated time required to complete the application of water to beneficial use **5 years**

15. Remarks: This Change in Point of Diversion, Manner of Use and Place of Use is needed because seedling nursery trees are being planted which will have a lower duty of water than the present 5.1 acre place of use will accommodate. These trees are to be removed and replaced on a periodic basis.

By Lisle Lowe  
s/Lisle Lowe (agent)  
HCR. 69, Box 400 E  
Amargosa Valley, NV, 89020

Compared sg/sam ag/cmf

Protested \_\_\_\_\_

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APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion, place of use and manner of use of a portion of the waters of an underground source as heretofore granted under Permit 66445 is issued subject to the terms and conditions imposed in said Permit 66445 and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and a totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the proof of completion of work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. This source is located within an area designated by the State Engineer pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

If any water under this permit is cancelled, withdrawn, or any water is not put to beneficial use, it will revert to the groundwater source and not back to the base water right.

(CONTINUED ON PAGE 3)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.1062 cubic feet per second, but not to exceed 25.5 acre-feet annually.

Work must be prosecuted with reasonable diligence and be completed on or before:

January 20, 2006

Proof of completion of work shall be filed on or before:

February 20, 2006

Water must be placed to beneficial use on or before:

January 20, 2009

Proof of the application of water to beneficial use shall be filed on or before:

February 20, 2009

Map in support of proof of beneficial use shall be filed on or before:

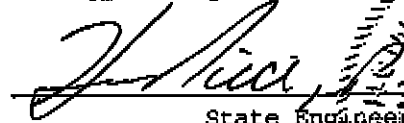
N/A

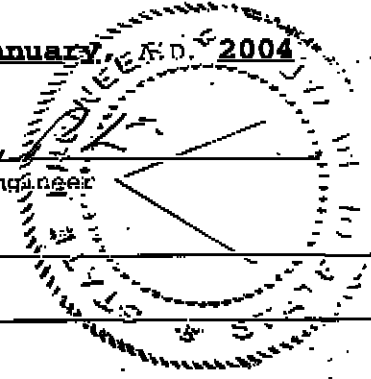
IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 20th day of January, 2004

  
State Engineer



Completion of work filed \_\_\_\_\_

Proof of beneficial use filed \_\_\_\_\_

Cultural map filed N/A

Certificate No. \_\_\_\_\_ Issued \_\_\_\_\_

